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C O N F I D E N T I A L SANTO DOMINGO 004986

SIPDIS

DEPT FOR G/TIP, WHA/PPC (FALLS), WHA/CAR (MCISAAC)

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SUBJECT: DOMINICAN REPUBLIC: RAMOS GARCIA ALIEN SMUGGLING

TRIAL BEGINS IN EARNEST

Classified By: DCM Lisa Kubiske for Reason 1.4(b) and (d)

¶1. (U) On 1 September 2004, the Supreme Court in regular session began hearing testimony in the alien smuggling trial of Congressional representative Guillermo Radhames Ramos Garcia. Because Ramos Garcia is a legislator, the Supreme Court is the court of first instance. Ramos, a former consul to Cape Haitien, Haiti, and three co-defendants are accused of smuggling 16 East Asians across the Haiti-Dominican Republic border. Ramos was charged in 2000, but the case has moved slowly due to several procedural delays.

¶2. (U) A panel of 12 Supreme Court justices decided to begin the trial even though seven witnesses did not appear (a July hearing was postponed when several witnesses failed to show).

The court heard testimony from the police lieutenant coronel who headed the investigation, from the migration inspector at the point where Ramos crossed the border, and from former Director of Migration Miguel Vasquez. Both prosecutor and defense attorney cross-examined. After four hours the justices adjourned until October 4.

¶3. (U) The two Asian co-defendants, free on bail since March, have filed a civil suit against former Director of Migration Miguel Vasquez, alleging that he and others misappropriated USD 44,000 they were carrying when arrested.

¶4. (C) Prosecutor Servio Tulio Castanos told poloff he does not expect the missing witnesses to appear. However, the court can, at its discretion, admit previous testimony from these witnesses taken in a lower court before Ramos became a congressman. Newly appointed Assistant Attorney General Frank Soto, with responsibility for cases of trafficking in persons, believes that the justices are allowing witnesses one final chance to appear but will be ready on October 4 if necessary to consider their previous testimony. Soto views the relatively short continuance as an indication that the court is serious about reaching a resolution in this case.

¶5. (C) COMMENT. The opening of testimony converts a long-running non-trial into an event with considerable media attention and possible political impact. The Fernandez administration has assigned the case and the responsibility for prosecuting trafficking to experienced attorneys.

KUBISKE